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1943-1944

ANNUAL REPORT

PUBLIC DEFENDER

LOS ANGELES COUNTY

CALIFORNIA

Fiscal Year

July 1, 1943 to July 1, 1944

-****-

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DEPARTMENT OF PUBLIC DEFENDER

Los Angeles County, California

A N N U A L R E P O R T

Fiscal Year

July 1, 1943 to July 1, 1944

FREDERIC H. VERCOE

PUBLIC DEFENDER

DEPARTMENT OF PUBLIC DEFENDER

Los Angeles County, California

ANNUAL REPORT

Fiscal Year

July 1, 1963 to July 1, 1964

RICHARD B. VERDON

PUBLIC DEFENDER

JURISDICTION OF PUBLIC DEFENDER

The right of a person accused of a criminal offense, in the Superior Court, to be represented by counsel is guaranteed by the Constitution of the United States, by the Constitution of the State of California, and by the Penal Code of this state.

Section 987 of the Penal Code of the State of California provides as follows:

> "If the defendant appears for arraignment without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel. If he desires and is unable to employ counsel, the court must assign counsel to defend him."

COUNTY CHARTER

CRIMINAL CASES

Under the County Charter, in criminal cases, it is the duty of the Public Defender, either upon request of the defendant, or upon order of the court, to defend all persons who are not financially able to employ counsel and who are charged, in the Superior Court, with the commission of a felony or other offense.

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COUNTY CHARTER

ORIGINAL CASES

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APPEALS IN CRIMINAL CASES

It is also his duty to prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

CIVIL CASES

In civil legal matters it is his duty to represent the plaintiff, under the law, and to handle cases and prosecute actions for the collection of wages and of other claims of persons who are not financially able to employ counsel, in which the sum involved does not exceed $100.00, and in which, in his judgment, the claims urged are valid and enforceable in the courts.

It is also his duty to represent defendants and to defend persons who are not financially able to employ counsel in civil litigation in which,in his judgment, they are being persecuted or unjustly harassed.

APPEALS IN CIVIL CASES

The Public Defender has authority to appeal civil cases to the proper appellate court when, in his judgment errors have occurred in the lower court and have resulted in a miscarriage of justice.

ADVANTAGE OF PUBLIC DEFENDER FROM ECONOMIC STANDPOINT

The Public Defender saved the County of Los Angeles

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during the last fiscal year at least four times the cost of operating the department, or approximately $250,000.00, by the manner in which the defense of persons accused of crime was conducted.

Unnecessary loss of time in handling criminal cases was eliminated without sacrificing the substantial rights and interests of the defendant. Pleas of guilty were encouraged where the defendants were obviously guilty. Unnecessary and costly trials were avoided whenever it was possible to do so.

The actual time consumed in the trial of cases was shortened by eliminating dilatory and procrastinating tactics sometimes resorted to. Hundreds of cases were advanced on the calendar from the original trial date and pleas of guilty entered, thereby freeing the court calendar for the trial of other cases.

Cases were prepared for trial and the trial conducted or the case disposed of by plea of guilty or dismissal on the original date they were set for trial unless previously advanced and disposed of. Continuances of trial dates were requested in only a very limited number of cases and then only because it was necessary to do so for good and sufficient reasons.

The Public Defender represents the defendant in between 55 to 60 percent of all the criminal cases filed in the Superior Court. During the fiscal year 1943-44 the Public

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Defender handled 2714 criminal cases in the Superior Court. In these cases 713 defendants entered pleas of guilty when first arraigned in court and without the case being set for trial.

The Public Defender, during this fiscal year, tried 267 cases in the Superior Court. 96 of said trials were conducted with a jury while 171 were tried to the court without juries. A tremendous amount of time, as well as the expense of a jury in each of said cases was saved by this practice.

The Public Defender also during this fiscal year handled 126 preliminary examinations in the Superior Court, in contributing to the delinquency of a minor cases. In 61 of said cases the preliminary examination was waived and the defendant was held to answer without it being necessary for the prosecution to prove its case by the introduction of evidence and examination of witnesses. This saved a considerable amount of time of the court. The rights of the defendant were fully protected although this procedure was resorted to. No good purpose would have been served and nothing would have been gained by the defendant by insisting on the trial of the preliminary in said cases.

In 1242 of said cases pleas of not guilty were entered and the cases set for trial. 758 were later disposed of without trial. 619 of said trials were disposed of by changing the pleas of defendants from not guilty to guilty.

134 of said cases were dismissed at the request of the Public Defender because it would have been a waste of time to try them. In each of said cases the rights of the defendants, under the law, were fully protected and safeguarded.

If the Public Defender had not disposed of said cases without trial, at least 600 more of them would have had to be tried in the courts. If 600 more cases had gone to trial it would have required four more Superior Courts than are now handling criminal cases, functioning full time, to have tried the same.

In round figures, it costs the County of Los Angeles $50,000.00 a year to operate a Superior Court that handles criminal cases. With four more criminal courts operating it would have cost the county an additional $200,000.00 to dispose of its criminal cases.

COMMENTS ABOUT PUBLIC DEFENDER'S DEPARTMENT

Judge Charles W. Fricke, who is presiding in Department 45, one of the criminal departments of the Superior Court, in writing about the Public Defender, had this to say:

"Your method of avoiding useless trials whenever possible by pleas of guilty and in trying cases to the court without juries, results in saving a tremendous amount of the time of the courts. Your department in all of its work very materially assists the courts in disposing of

criminal cases.

"As I have repeatedly and publicly declared, the expense of your office is more than saved the county by the manner in which your work is handled."

Mayor Fletcher Bowron, of the City of Los Angeles, when he was a Judge of the Superior Court in this County, wrote the following letter to the Board of Supervisors:

"I am advised that the Public Defender has requested sufficient allowance in the budget for his department for the next fiscal year to permit of the employment of an additional deputy and an investigator. I am taking the liberty to briefly express my views strongly recommending the appropriation.

"For approximately five years I presided over a criminal department and during that time I came in almost daily contact with the Public Defender's office. I know of no department of county government which is more efficiently operated and from which the public receives a greater return than from this office. It is well nigh impossible to estimate the actual saving to the taxpayers of this county and the general public benefits derived directly and indirectly from the defense of persons charged with public offenses in the way and manner that such accused felons are represented by the Public Defender and his able deputies.

"For a number of years this office has represented

more than half of those entering pleas in the Superior Court. This office does not knowingly present false and perjured testimony, but where convinced that a defendant is innocent the deputies of the Public Defender's office are able to and do present as good a defense as any defendant could wish for, regardless of his financial ability to employ the best criminal lawyers at the local bar. It is the practice of the office to carefully interview each defendant whom the Public Defender has been assigned to represent, and after a study of the transcript of evidence taken at the preliminary hearing if convinced that the defendant is guilty the deputy endeavors to induce him to enter a plea of guilty. In this manner and in this way alone the Superior Court is able to receive a large percentage of pleas of guilty where otherwise the case would develop into a jury trial of several days duration. I believe that it could be conservatively estimated that if the office of the Public Defender should be eliminated and we would be compelled to revert to representation of defendants by individual counsel that fully half of the departments of the Superior Court would be devoted to the trial of criminal matters. (Half of the departments would be 25. Parenthesis interpolated.)

"I would like to see the time come when our Constitution would be amended to provide for the representation of all persons charged with a public offense by a Public

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Defender, where rich and poor alike would receive the same kind of defense by a public officer in much the same manner as we have in the past prosecuted all offenders by public officer; but until that time comes I feel that the ends of justice in this county require more financial support of the office of the Public Defender at the present time. Hard working deputies are frequently required to be in court all day and make investigations during the evenings in connection with cases they are preparing for trial. The need of investigators by the Public Defender's office has been felt for many years.

"I respectfully recommend that the requested increase in the appropriation for the Public Defender's office be allowed."

Judge Robert H. Scott of the Superior Court wrote the Board of Supervisors as follows:

"My personal observation of the fine work done by the Public Defender convinces me that the additional deputy and investigator requested by Public Defender Frederic H. Vercoe would be of substantial service to the county and would fully justify the additional expenditure.

"It is the policy of that office, as I have observed it, to seek diligently to assure the proper administration of justice and not merely to defeat justice on the basis of legal technicalities. The ability of deputies in the public defender's office should be comparable to those in

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the staff of the district attorney and the pay should naturally be similar. When you clearly and fully analyze the service rendered by the public defender it will be apparent that his service has been the largest contributing factor in the proper administration of our criminal law. They have succeeded in their efforts over a long period of years to fully safeguard the community and aid in the rehabilitation of the wrongdoer."

Judge W. Turney Fox was serving as a Justice Pro Tem in the District Court of Appeal when he wrote the following letter:

"I am advised that you have been requested by the Board of Supervisors to make a survey to determine whether one or more Grade III deputies should be provided for the Public Defender.

"During the twelve and one-half years that I have been on the bench, I have had a great variety of contact with the work of the Public Defender's office. This was particularly true when I was serving in a criminal department, also when I was Judge of the Juvenile Court. I have likewise had the opportunity of observing the work of that office from an entirely different viewpoint during the six and one-half years that I have served on the Appellate Department of the Superior Court, as well as during my current assignment to the District Court of Appeal.

"The net result of my observation of the Public Defender's office and the work that the deputies of that office do is that their work is of a very high quality and that it is a tremendously important factor in the proper administration of justice. The deputies and their work in that office compares favorably, in my opinion, with the deputies in the District Attorney's office, whose work I have likewise had the opportunity to see at close range over this rather substantial period.

"It is important for the Public Defender to have qualified and experienced lawyers to handle the work of that office--just as important as it is to have that kind of lawyers as deputies in the District Attorney's office. Cheap help in these offices is really expensive to the public.

"The Public Defender's office in this county has always been, and is now, conducted on a very high plane,and has exacted of the men in office very diligent and painstaking work and has required of them ability and good legal training. It seems to me that they should therefore be classified and compensated accordingly."

SUMMARY OF ADVANTAGES OF PUBLIC DEFENDER IN CRIMINAL CASES

1. If the defendant has no case, he is honestly advised to plead guilty, thus avoiding unnecessary trials.

2. If the defendant has a good case, he is given an adequate defense - not a perfunctory one - thereby truly safeguarding his interests.

3. Juries are often waived.

4. Cases are promptly tried when reached on the calendar - not continued time after time - thereby helping to solve the problem of congested criminal court calendars.

5. Cases are tried more expertly because of the skill of the defenders; and the time of the court, of the jury, of the witnesses, of the court attaches and others is not wasted by needlessly protracted trials.

6. By virtue of the foregoing, vast economies are effected in the administration of criminal justice.

7. The trial judges tend to rely upon the opinions and statements of the Public Defender in disposing of cases.

8. Chicanery and unethical practices are never resorted to, and the atmosphere of the trial of criminal cases is elevated and thereby respect for the law is enhanced.

9. There are less chances of miscarriage of justice against a poor and perhaps illiterate defendant who might otherwise be sent to prison because of not knowing what it is all about.

PUBLIC DEFENDER IN CIVIL CASES

The Public Defender's civil jurisdiction is hardly less important than his criminal jurisdiction.

Millions of dollars are spent in the State of California each year in giving indigent persons, the poor, needy, and helpless, medical aid and hospitalization. This aid is rendered by the State so that such person may be restored to health and again be placed, if possible, in a self-supporting condition.

Likewise, it is the duty of the Public Defender to render legal aid to the poor, needy and helpless in order to straighten out their legal difficulties, secure for them their rights under the law, or redress for their wrongs, so that they may continue to be self-supporting and not become charges of the Public Welfare Department.

APPLICATION FOR ASSISTANCE IN CIVIL CASES

During the fiscal year 1943-44, 17,379 persons applied to the Public Defender for legal assistance in civil cases. 10,089 were advised as to their legal rights and assisted in solving their problems under the law; 1795 had claims for wages due, property detained, or other miscellaneous claims which were handled and adjusted; 800 were refused legal assistance because they had the means to pay an attorney or because their cases were outside the jurisdiction of the office; and 4697, whose cases were outside the jurisdiction of the Public Defender, were referred to the lawyers on the Public Defender's list of lawyers. Said Lawyers handle the cases referred to them by the Public Defender and render

legal assistance. In many of said cases no attorney's fees are charged. In most of the cases where fees are charged the fee is very moderate and of a minimum character.

TOTAL APPLICATIONS FOR ASSISTANCE

The total number of applications to the Public Defender for assistance in both civil and criminal cases in the fiscal year 1943-44 was 22,690.

The wages of more than 876 working men and women that had been garnished, and were exempt under the law, which were released from said garnishment by the assistance of the Public Defender, amounted to $26,613.50. By said aid the Public Defender was able to keep the family of many a poor working man from actually going hungry and from becoming public charges requiring the assistance of the County Welfare Department. The persons aided in the civil department of the Public Defender's office were financially unable to employ a lawyer in private practice.

The Public Defender recovered $28,706.34 for the poor and indigent persons who applied to him for legal assistance in civil cases during the fiscal year 1943-44

THE COST OF PUBLIC DEFENDER'S OFFICE

The cost of maintaining and operating the Public Defender's office during the fiscal year 1943-44 was $79,774.73.

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The total number of applications to the Public Defender for assistance in both civil and criminal cases in the fiscal year 1943-44 was 52,000.

The wages of more than 300 working men and women that had been garnished, and were exempt under the law, which were released from said garnishment by the assistance of the Public Defender, amounted to $66,613.00. By said aid the Public Defender was able to keep the family or many a poor working man from actually going hungry and from becoming public charges re-uniting the assistance of the County Welfare Department. The persons aided in the civil department of the Public Defender's office were financially unable to employ a lawyer in private practice.

The Public Defender recovered $38,778.54 for the poor and indigent persons who applied to him for legal assistance in civil cases during the fiscal year 1943-44

The cost of maintaining and operating the Public Defender's office during the fiscal year 1943-44 was $79,774.72.

DETAILED REPORT OF CRIMINAL CASES

Cases in which appearances were made in court.

Total number of court appearances in Superior Court -		6,977
Total number of defendants represented- - - - - - - -		2,730
Cases undisposed of July 1, 1943, and finally disposed of during last fiscal year- - - -	141	
Felony cases, Superior Court- - - - - - - - -	2,311	
Contributing cases in Superior Court Misdemeanors - - - - - - - - - - - - - -	126	
Rehabilitation cases, Superior Court- - - - -	31	
Juvenile cases, Superior Court- - - - - - - -	105	
Insanity cases, Superior Court- - - - - - - -	16	2,730

CONSULTATIONS

Consultations held in office- - - - - - - - -	2,587	
Consultations held in jail, approx. - - - - - -	9,023	11,610

TRIALS IN CRIMINAL CASES

Total number of trials set during year and disposed of- - - - - - - - - - - - - - - - - -		1,242
Trials eliminated by changing pleas of not guilty to guilty - - - - - - - - - - - - - - -	619	
Cases disposed of by being dismissed- - - - -	134	
Cases disposed of by being stricken from calendar - - - - - - - - - - - - - - - - - - -	5	
Other attorneys substituted - - - - - - - - -	256	
Cases actually tried- - - - - - - - - - - - - -	228	1,242

Cases commonly triable - - -

RESULTS OF TRIALS

Verdicts of guilty- - - - - - - - - - - - - - -	153	
Verdicts of guilty less offense - - - - - - - -	20	
Verdicts of not guilty- - - - - - - - - - - - -	53	
Jury disagreements- - - - - - - - - - - - - - -	2	228

CRIMINAL INSANITY TRIALS

Trials on pleas of not guilty by reason of insanity -		24
Verdicts sane - - - - - - - - - - - - - - - - -	4	
Verdicts insane - - - - - - - - - - - - - - - -	20	
	24	
Present insanity trials in criminal cases - - - - - -		6
Verdicts sane - - - - - - - - - - - - - - - - -	3	
Verdicts insane - - - - - - - - - - - - - - - -	3	
	6	

CIVIL INSANITY TRIALS

Trials on Civil Insanity Complaints - - - - - - - -		9
Verdicts sane - - - - - - - - - - - - - - - - -	5	
Verdicts insane - - - - - - - - - - - - - - - -	4	
	9	

TOTAL trials by Criminal Department - - - - - - - - -	267

SUPERIOR COURT PRELIMINARY EXAMINATIONS

CONTRIBUTING CASES

Preliminary examinations held - - - - - - - -	65
Preliminary examinations waived - - - - - - -	61
Defendants held to answer to Superior Court -	109

Total trials by Criminal Department - - - - - - - - - 207

Verdicts insane - - - - - - - - - - - - - - - - - - 4

Verdicts sane - - - - - - - - - - - - - - - - - - - 1

Trials on Civil Insanity Docket - - - - - - - - - - 5

Verdicts sane - - - - - - - - - - - - - - - - - - - 3

Present insanity trials in criminal cases - - - - - 9

Insanity -

Trials on plans of not guilty by reason of

Defendants discharged and cases dismissed or stricken off calendar- - - - - - - - - - - -	17	126

MISCELLANEOUS DISPOSITIONS

PLEAS OF GUILTY

Total pleas of guilty to offenses charged - -	1,165	
Total pleas of guilty of less offense than charged - - - - - - - - - - - - - - - -	172	1,337

VIOLATION OF PROBATION CASES

Number of cases handled - - - - - - - - - - - - - - - - -		119
Probation modified and continued without further county jail sentence - - - - - - -	6	
Probation continued on same terms - - - - - -	13	
Fine imposed on defendant - - - - - - - - - -	3	
Probation revoked and defendant sentenced to		
County Jail- - - - - - - - - - - - - - - -	48	
San Quentin- - - - - - - - - - - - - - - -	42	
Ione (Reformatory) - - - - - - - - - - - -	2	
Stricken off calendar - - - - - - - - - -	1	
Forestry Camp- - - - - - - - - - - - - - -	0	
Other Attorneys substituted- - - - - - - -	5	119

PROBATION ORDERS

Defendants granted probation without jail sentence - - - - - - - - - - - - - - - - - -	101	
Defendants granted probation with jail sentence- - - - - - - - - - - - - - - - - - - -	301	
Defendants denied probation - - - - - - - - -	341	743

SENTENCES AND FINES

Defendants sentenced to death- - - - - - - -	1
Defendants sentenced to San Quentin- - - - -	410
Defendants sentenced to Tehachapi (Women)- -	14
Defendants committed to Preston School (Ione)	2
Defendants committed to Ventura (Girls)- - -	0
Defendants sentenced to County Jail- - - - -	535
Defendants fined - - - - - - - - - - - - - -	56
Defendants committed to Youth Authority- - -	36

DEFENDANTS COMMITTED TO STATE HOSPITALS

Mendocino State Hospital - - - - - - - - - -	19
Patton State Hospital- - - - - - - - - - - -	3
Norwalk State Hospital - - - - - - - - - - -	1
Camarillo State Hospital - - - - - - - - - -	4

APPEALS TO DISTRICT COURT OF APPEAL AND SUPREME COURT IN CRIMINAL CASES

Appeals to Supreme Court in death penalty cases - -		1
Appeal to Supreme Court in felony case- - - - - - -		1
Appeals to District Court of Appeal in felony cases		3
		5
Death penalty appeal pending and undisposed of-	1	
Appeal to Supreme Court in felony case pending and undisposed of- - - - - - - - - -	1	
Appeals to District Court of Appeal, pending and undisposed of- - - - - - - - - - - - - - -	3	5

DETAILED REPORT OF CIVIL CASES

Total number of applications in the office for assistance in civil cases - - - - - - - - -	17,379

Defendants committed to Youth Authority - - - 76
Delayed - - - - - - - - - - - - - - - - - - 80
Sentenced to County Jail- - - - - - - - - 980
Committed to Prison (Life)- - - - - - - - 9
Committed to Prison, Second (Term) - - - - 8
Sentenced to Prison (Term)- - - - - - - - 1m
Seven Years Penal- - - - - - - - - - - - - 8
- -
Demanio Steve Hospital - - - - - - - - - - 4
- -
Appeals to Supreme Court in death penalty cases - -
Appeal to Supreme Court in felony cases- - - - - -
Appeals to District Court of Appeal in felony cases
Death penalty affirmed, penalty and undisposed of- 1
- -
and undisposed of- - - - - - - - - - - - - - 3
- -
for resistance to civil order - - - - - - - - - -
Full number of cases filed in the office

Applications in which advice was given on various subjects - - - - - - - - - - - - - - -			10,089
Applications rejected because applicants were able to pay a fee or because the office was without jurisdiction:			
Refused- - - - - - - - - - - - - - - - -	800		
Referred to attorney - - - - - - - - - -	4,697		5,497
Cases accepted and handled- - - - - - - - - - -			1,793

CIVIL CASES ACCEPTED AND HANDLED

Illegal attachments and garnishments and other persecution cases - - - - - - - -	876	
Guardianship cases - - - - - - - - - - - - -	242	
Waivers of Premarital Tests in Superior Court - - - - - - - - - - - - - - - - - -	523	
Miscellaneous accepted cases - - - - - - -	152	1,793
TOTAL APPEARANCES IN Court on Civil Cases - - -		700

Moneys collected and chattels recovered without suit (approx.) - - - - - - - - - - - - - - - - -	$ 2,092.84
Amount of wages released from illegal garnishment- - - - - - - - - - - - - - - - - - -	26,613.29
	$28,706.34

RESPECTFULLY SUBMITTED,

FREDERIC H. VERCOE

Public Defender

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